

CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending Noember 22 1997

Business Conference in Bombay, India

We have been requested to participate, during Secretary Daley's trade mission to Bombay (Mumbai) India (December 5-12), on a panel, discussing government procurement and alternative dispute resolution. This panel discussion, with representatives from the World Bank and private sector Indian procurement counsel, is part of a larger conference on the legal aspects of India-U.S. business cooperation. Secretary Daley will be the keynote speaker, and Andrew Pincus, General Counsel, will be speaking on issues facing U.S. investors in India. Ken Lechter will be representing the office.

2000 Advertising Procurement

Fred Kopatch attended a "Town Hall" meeting at the Census Bureau, where the contractor presented its proposed advertising campaign for the 2000 Census to Bureau personnel, including the Regional Directors. One of the unsuccessful offerors was debriefed and the other two offerors will have their debriefings later in the week.

Gem Engineering Co. v. Dept. of Commerce—GSBCA No. 13566-COM

Favorable settlement, in the amount of \$102,500, of this Weather Forecast Office construction claim was reached at an ADR proceeding held at the WFO site. The settlement amount was less than 15% of the total claim amount and significantly below our client's bottom line. Mark Langstein and Catherine Shea

MASC-Facilities & Logistics Division

In a real property lease dispute involving the National Weather Service, the lessor is preventing NWS from removing Government equipment from the lessor's premises. As a result of the lessor's failure to follow the Contract Dispute Act dispute remedy procedure, a referral to the U.S. Attorney's Office is being prepared. Lisa J. Obayashi

Technical Systems Associates, Inc., v. DOC — GSBCA No. 13277-COM

Appellant filed its certified claim for an equitable adjustment in the amount of \$168,000 on November 12, 1997. The bases for the claim are: (1) improper contract interpretation; (2) extra work effort; (3) antenna reflector; (4) improper cure

notice; (5) wrongful rejection of first acceptance test; (6) withholding of superior knowledge; (7) wrongful rejection of second acceptance test; and (8) defective specifications. Irrespective of the fact that the appellant was terminated for default for failure to provide the antenna requested, it now claims that because its performance was changed into a "massive R&D project" which required "a dramatic amount of extra-contractual time, effort and cost," it should be reimbursed for its efforts. Terry H. Lee

Austin Company ADR

We will be meeting this week with upper level management at NIST to discuss various options regarding a resolution of the current issues before Board Judge Alan Goodman in this ADR proceeding. The primary "dispute" involves the contractor's claim for compensable delays in the construction of the NIST Advanced Chemical Sciences Laboratory. Ken Lechter

Legal Research on the Internet

Amy Freeman is coordinating a OGC presentation on "Legal Research on the Internet," with Roxie Jones, and the proposed speakers, Anita Greene and Carol Singer from the Department of Justice.

Actions Completed/Received during Period

	From 11/9/97	To 11/22/97
	Received	Completed
NIST	6	6
NOAA	9	6
O/S	1	0
PTO	0	1
Total	16	13

Contract Law Division—Client Workload Period Ending 11/22/97

